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2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday,
3 December 9, 2008 at Westfield City Hall. Members present included Craig Wood, Martin
4 Raines, Randy Graham, and William Sanders. Also present were Jennifer Miller, Planner I, and
5 City Attorney, Brian Zaiger.

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7
8 **APPROVAL OF MINUTES**
9

10 Wood moved to approve the November, 2008 minutes as amended.

11
12 Graham seconded, and the motion passed by voice vote.

13
14 Sanders reviewed the Public Hearing Rules and Procedures.

15
16
17 **OLD BUSINESS**
18

19 0810-SE-02 4909 Sheridan Road; *New Cingular Wireless PCS, LLC. AT&T Mobility*

20 The Appellant is requesting a Special Exception to the Westfield-Washington Zoning Ordinance
21 (WC 16.04.125, B1) to allow a wireless communication tower and facility in the AG-SF1
22 District.

23
24 This item will be continued to February, 2009 to allow the petitioner time to provide additional
25 information.

26
27 **NEW BUSINESS**
28

29 0812-VS-15 2744 East 146th Street; *LA Fitness*

30 The Appellant is requesting a Variance of Standard to the Westfield-Washington Zoning
31 Ordinance (WC 16.08.010, G1a) to increase the allowable wall signage from 251.75 square feet
32 to 436 square feet.

33
34 Miller stated that the waiver request is a result of the appellant missing the deadline for public
35 notice with the posting of the "What's Happening Here" sign on the property. She further stated
36 the appellant did indicate they would be requesting a waiver from this standard from the BZA
37 Rules of Procedure to allow an eight-day notice with the sign rather than the standard
38 requirement of ten days.

39
40 Raines moved to approve the waiver request for 0812-VS-15.

41
42 Graham seconded and the motion passed 4-0.

43
44 Mr. Don Potter, Thompson Thrift, discussed the variance request for allowable signage. He
45 discussed location of the sign, lighting, and site lines.

46
47 Sanders asked the petitioner to point out the proposed location of the sign.
48

1 Mr. Don Potter described the location of the LA Fitness building as compared to the Steinmart
2 building in the Kite development.

3
4 Mr. Graham asked the petitioner to clarify that they would be placing the same sign as shown on
5 the South side on the West side.

6
7 Mr. Don Potter describes a picture in the staff report and discusses an exhibit that adds leaves to
8 the trees.

9
10 Wood asked if there is an estimate of how many people going into the Kite center would be
11 drawn to the LA Fitness facility because they saw the sign on the west side of the building.

12
13 Potter responded there were no figures available.

14
15 Miller stated the information presented by the appellant regarding the new location of the
16 signage is new information this evening; staff has not had a chance to review so there is no
17 information on the signage as far as size or photometrics.

18
19 Miller also asked Mr. Don Potter if the petitioner informed LA Fitness that the outlots would be
20 populated with outlots at a later date and that LA Fitness chose this location

21
22 Mr. Don Potter stated that there is a one year period on the build out of the remaining outlot for
23 visibility of the LA Fitness.

24
25 Miller asked if Thompson Thrift took into consideration the growth of the landscape when
26 placing the monument sign.

27
28 Mr. Don Potter replied that yes, it was considered and that they could not place the sign any
29 closer to the road due existing right of way.

30
31 Wood asked if the appellant knew at the time of development plan approval that a variance
32 would have to be filed regarding the signage.

33
34 Potter responded no; appellant assumed the signage was approved as part of the development
35 plan approval process in October, 2007.

36
37 Mr. Sanders stated that an LA Fitness located at 106th and Michigan road is located in a similar
38 layout with outlots in front of the LA Fitness development and if that facility has signs on two
39 elevations.

40
41 Mr. Don Potter stated that yes it does have two signs

42
43 Mr. Sanders asked if the facility has identical signage as proposed.

44
45 Mr. Don Potter stated that the signage on the 106th and Michigan LA Fitness sign is 4 foot in
46 height and that the sign they are proposing is 6 foot in height.

47

1 Wood asked for confirmation from Miller that if the appellant chose to, including what is on the
2 monument sign, they could put smaller signage on both sides and still be in compliance.

3
4 Miller stated yes, if they reduce the existing sign on the wall now, they could take the allowable
5 amount, divide it between the two signs, and have signs on both sides of the building.

6
7 Potter stated the appellant could reduce the square footage by reducing the west side sign down
8 to a four foot tall sign rather than a six foot tall sign, which would reduce the square footage on
9 the west side from 218 square feet to 148 square feet and still give visibility on the west side, but
10 would still require a variance.

11
12 A Public Hearing opened at 7:44 p.m.

13
14 No one spoke, and the Public Hearing closed at 7:45 p.m.

15
16 Mr. Don Potter stated that he is willing to amend the variance request and reduce the sign to a
17 four foot tall sign that measures 148 square feet and move the 6 foot sign to the west side.

18
19 Mr. Graham asked if the sign that is on the building right now puts the appellant at the maximum
20 allowable signage

21
22 Miller stated that there is some room available for additional signage, but the request exceeds
23 what is allowed by the sign ordinance.

24
25 Wood moved to deny 0812-VS-15 as presented.

26
27 Sanders seconded, and the motion passed 4-0.

28
29 Sanders moved to adopt staff's findings of fact.

30
31 Raines seconded, and the motion passed by voice vote.

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34 The meeting adjourned at 7:52 p.m.

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36
37 _____
38 Chairman

Secretary